

# 40<sup>th</sup> Anniversary

C A L I F O R N I A  
**VICGB**  
Victim Compensation & Government Claims Board

2004 - 2005  
Annual Report

Helping California  
Crime Victims  
Since 1965



**Arnold Schwarzenegger, Governor of California**

**Victim Compensation and Government Claims Board Members:**

**Fred Aguiar**

Secretary of the State and Consumer Services Agency  
and Board Chair

**Steve Westly**

State Controller and Board Member

**Michael A. Ramos**

San Bernardino County District Attorney and Board Member

**Karen McGagin**

Executive Officer

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**Victim Compensation and Government Claims Board**

**P.O. Box 48  
630 K Street  
Sacramento, CA 95812-0048**

**Victim Compensation: 1-800-777-9229  
Government Claims: 1-800-955-0045**

**[www.vcgcb.ca.gov](http://www.vcgcb.ca.gov)**



## Letter from Karen McGagin, Executive Officer

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To the People of California:

On July 21, 1965, California established the Victim Compensation Program, the first of its kind in the nation. The Program began by providing need-based financial assistance to families impacted by violent crime. Forty years later, the Program is available to all victims of violent crime, reaching out to 47,658 victims in the last year.

The Victim Compensation and Government Claims Board (VCGCB) has adapted to changes by increasing services to crime victims and maintaining partnerships with district attorneys, Victim Witness Centers, and state and local agencies. This year, the VCGCB continued to develop innovative services by increasing medical and dental treatment reimbursement rates, using technology to improve our claims management system, and launching the Victim Compensation Program Advisory Committee.



Karen McGagin

In our efforts to assist and improve services to crime victims, the VCGCB launched the Victim Compensation Advisory Committee in March 2005. This 12-member Committee's purpose is to identify crime victims' issues and needs concerning compensation. The Committee is comprised of individuals from a wide spectrum of state agencies and statewide organizations. They have been outstanding partners, providing an important avenue for coordination, networking, and collaboration among various agencies, organizations and departments that serve the needs of victims.

The VCGCB is also improving our delivery of services to victims through the development of the Compensation and Restitution System (CaRES). This advanced claims management system will streamline and speed up claim processing by advancing VCGCB's business methods through the use of technology when CaRES goes live in June 2006.

The VCGCB participates in an important partnership with the the Franchise Tax Board (FTB). The FTB collects delinquent fines, penalties, and restitution through the Court-ordered Debt Program. The California Department of Corrections and Rehabilitation (CDCR), also a partner in this program, provides information on thousands of parolees who owe restitution fines and orders. The Board's partnerships with FTB and CDCR have increased revenues and have assisted to stabilize the Restitution Fund.

In addition to building and maintaining partnerships, a system of fees and surcharges transformed the Government Claims Program from a program supported by the General Fund to a self-funded program. First, a \$25 filing fee was approved for all government claims. Additionally, a surcharge was imposed for those agencies subject to any government claim approved by the Board.

The achievements highlighted on the following pages are a testament to our commitment to help crime victims and to effectively process government claims. On behalf of the VCGCB, I would like to thank our dedicated staff in the Victim Compensation and Government Claims Programs, and the Victim Witness Assistance Centers, district attorneys' offices, and the victim advocates across the state for their hard work and indispensable support. Continuing our work together will both strengthen our services to claimants and create another year of positive change in the valuable service we provide to victims of crime and their families.

Sincerely,

KAREN MCGAGIN, Executive Officer

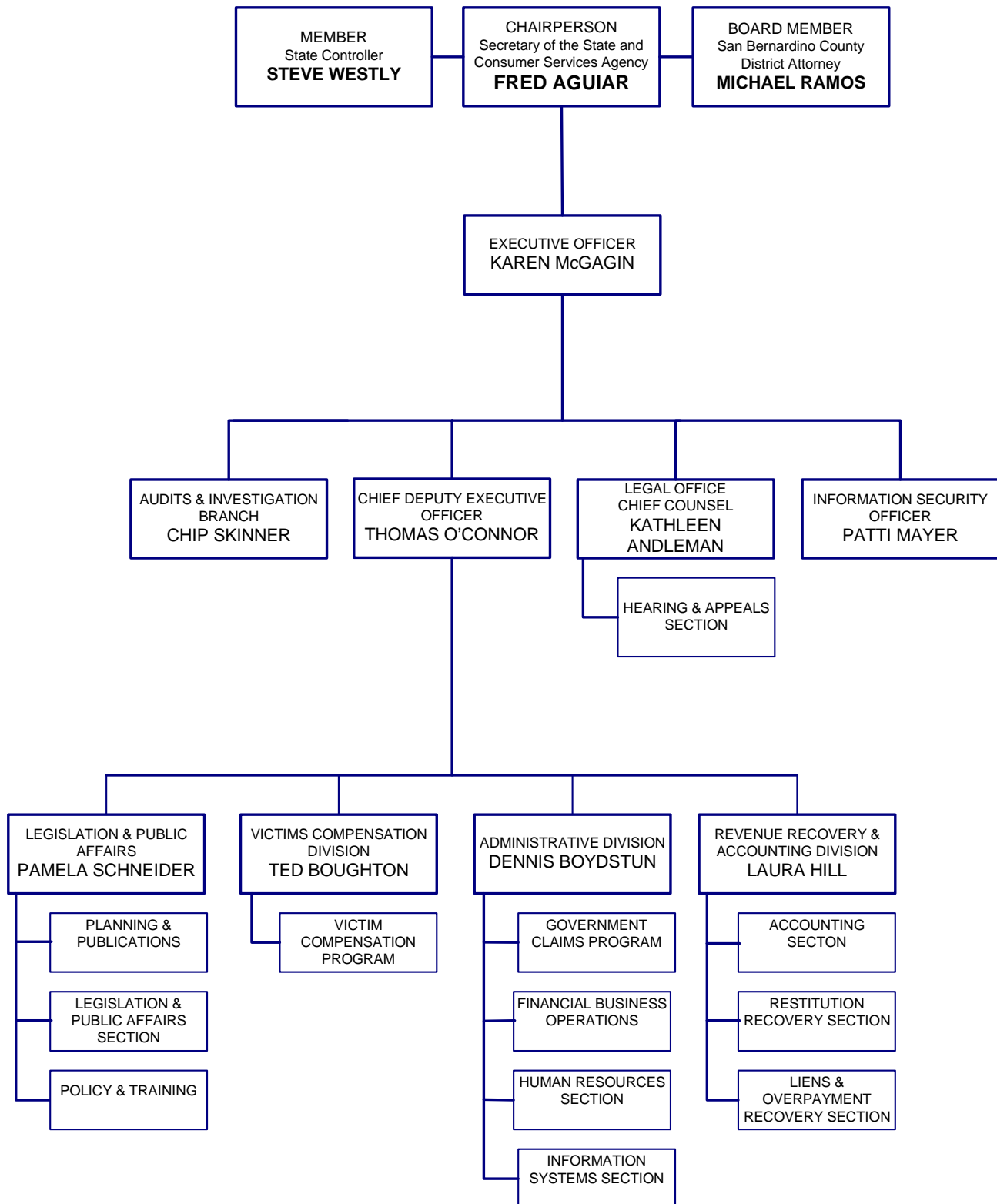
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# Victim Compensation and Government Claims Board

## Agency Structure

### THE THREE-MEMBER BOARD



# Victim Compensation and Government Claims Board

## Overview

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### BOARD MEMBERS

The three-member Victim Compensation and Government Claims Board oversees both the Victim Compensation Program and the Government Claims Program. The Board meets monthly to provide policy-related decisions and consider disputed claims. The Secretary of the State and Consumer Services Agency serves as Chairman of the Board. The California State Controller and a public member appointed by the Governor also serve on the Board. The Board members for Fiscal Year 2004-05 are listed below.



#### **Fred Aguiar, Secretary of the State and Consumer Services Agency and Board Chair**

Governor Arnold Schwarzenegger appointed Mr. Aguiar as Secretary of the State and Consumer Services Agency in December 2003. Mr. Aguiar is a member of the Governor's Cabinet and serves as his advisor on a variety of issues relating to California's consumers, civil rights enforcement, and internal state operations and management.



#### **Steve Westly, California Controller and Board Member**

Steve Westly serves as a member of the Board due to his position as State Controller. Prior to being elected State Controller in 2002, Mr. Westly held positions in local, state, and federal government, and served as an officer of a profitable \$18 billion high-tech company, eBay.



#### **Michael A. Ramos, San Bernardino County District Attorney and Board Member**

Governor Arnold Schwarzenegger appointed San Bernardino County District Attorney Michael Ramos to the Board on January 23, 2004. Mr. Ramos was elected district attorney in 2002. Previously, he served as a deputy district attorney in San Bernardino for 13 years, four of which were in the Major Crimes Unit.

### VCGCB EXECUTIVE OFFICER

Karen McGagin was appointed Executive Officer on April 23, 2004. The Executive Officer is accountable for the day-to-day operations and any responsibilities or statutory authority that may be delegated by the three-member Board.

Ms. McGagin previously chaired the three-member Board on behalf of the director of the Department of General Services (DGS) from September 1997 to December 2000. She served as the deputy executive director of the Office of Public School Construction (OPSC) from December 2001 to April 2004. Prior to her tenure at the OPSC, Ms. McGagin served as deputy director of the Interagency Support Division at DGS from 1997 to 2001. In addition, she represented the director of DGS on the State Allocation Board and the Public Works Board. Ms. McGagin also served as chief deputy registrar of the Contractors State License Board in the Department of Consumer Affairs (DCA). She was deputy director of DCA and liaison and principal contact for the regulatory boards.



## **40th Anniversary of the Victim Compensation Program**

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Forty years ago, California reinforced its reputation for innovation and boldness by becoming the first state in the nation to provide compensation for victims of violent crimes. At that time, New Zealand and Great Britain were the only other governments that provided victim compensation. Today, compensating victims of violent crime is a well-established practice across the United States, with California still leading the way.

### **IN THE BEGINNING...1965**

In 1965, California Gov. Edmund G. Brown signed legislation establishing California's Victim Compensation Program. This law placed the new program under the Aid to Families with Dependent Children Program (AFDC). The law provided need-based financial assistance for families of anyone killed or incapacitated as a result of a crime of violence. Violent crime offenders would pay a fine to be placed into an indemnity fund created by the new law, the proceeds of which would pay for the aid to victims.

"The State of California spends millions of dollars for the maintenance of prisoners in penal institutions and the furnishing of dental and medical care, while the victimized persons and their families must bear any medical or dental expenses on their own, and may suffer additional economic hardship from temporary or even permanent loss of employment," Sen. McAtteer, who introduced California's Victim Compensation Program as a Senate Bill, declared in a letter to the Governor.

The regulations and standards for this new category of aid, known as the Aid to Victims of Crimes of Violence (AVCV), were released on December 9, 1965, and would be handled by the State Department of Social Welfare in coordination with AFDC. Funds for meeting the needs of victims of crimes of violence under the AVCV were limited to \$100,000.

The State Board of Control dates back to 1911. Its mission was to exercise general supervision over the business of the state and to handle claims against the state.

In 1967, Governor Ronald Reagan transferred administration of the AVCV out of the State

Department of Social Services to the State Board of Control, where the Victim Compensation Program, as it is now called, has been ever since.

In 1980, the definition of injury was changed to include emotional injury, and coverage was added for psychological treatment expenses. The definition of victim was also changed to include family members or any person in close relationship to the victim, if such person was present during the actual commission of the crime.

When the courts were permitted to fine convicted offenders up to \$10,000 beginning in 1983, the Victim Compensation Program gained a more stable source for funding. At that time, the Indemnity Fund became the Restitution Fund as we know it today.

In 2000, benefits were increased to include relocation expense reimbursement of up to \$2,000 for adult victims of domestic violence. Reimbursement of residential security devices were also authorized of up to \$1,000 when the crime occurs in the victim's home. For those victims permanently disabled as a result of a crime, reimbursement costs associated with renovating or retrofitting of a home or vehicles were also authorized for up to \$5,000.

The State Board of Control was renamed the California Victim Compensation and Government Claims Board in 2001. The total maximum amount payable to a victim or derivative victim for one crime was increased to \$70,000.

### **40 YEARS LATER...2005**

These groundbreaking events have set the stage for what California's Victim Compensation Program has become - the nation's leading program to aid victims of crime.

## 40th Anniversary of the Victim Compensation Program

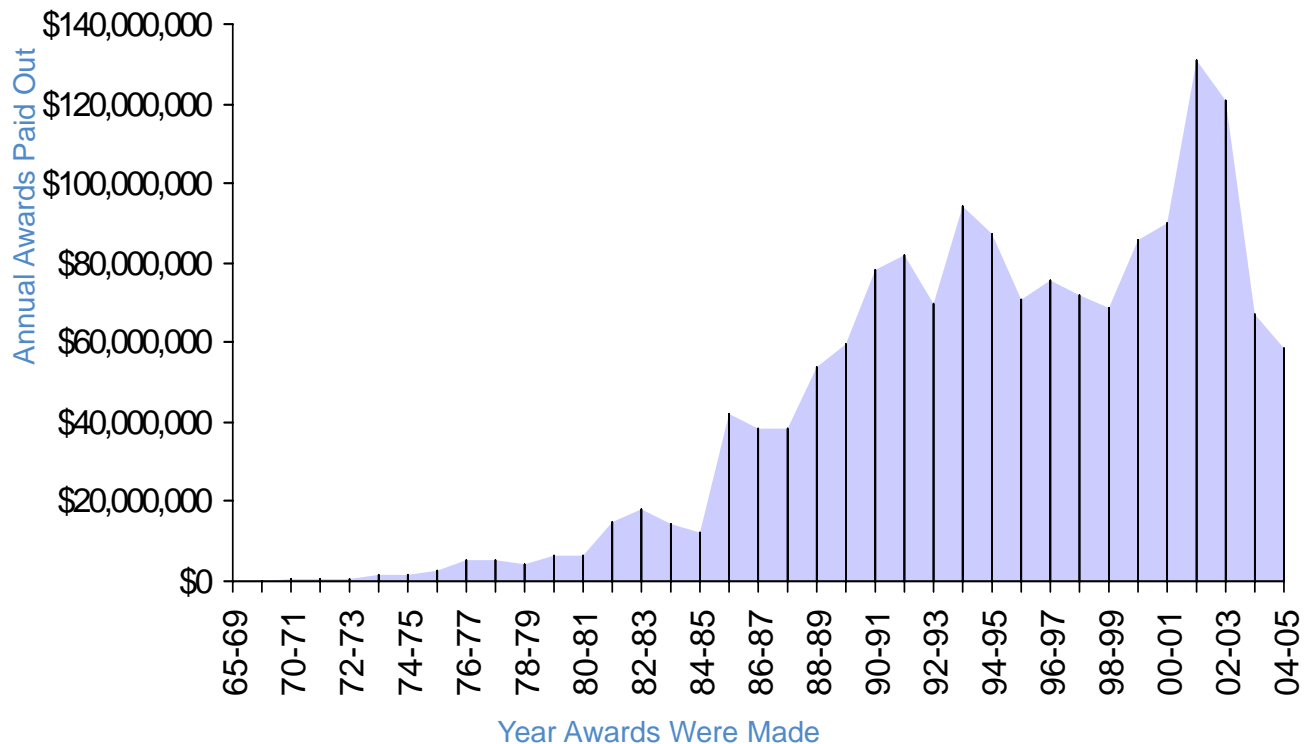
As the Victim Compensation Program completes its 40th year, the Program has helped nearly 900,000 people, and has paid out more than \$1.5 billion to crime victims and those who provide services to them. The Program provides reimbursement to eligible victims and their families for medical treatment, mental health counseling, lost wages, job retraining and funeral expenses incurred as a result of crime.

The Victim Compensation and Government Claims

Board is committed to increasing services to crime victims and to maintaining partnerships with the judiciary, district attorneys, Victim Witness Centers, state and local agencies, and other entities to improve victims' services.

In addition to the 47,658 applications that were received in Fiscal Year 2004-05, the Victim Compensation Program paid \$58,893,735 on behalf of victims for losses on both new and existing applications.

**SUMMARY OF VICTIM COMPENSATION PROGRAM AWARDS SINCE 1965**





## **Fiscal Year 2004-05 Accomplishments**

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### **INVOLVING OUR PARTNERS: VICTIM COMPENSATION PROGRAM ADVISORY COMMITTEE ESTABLISHED**

On March 16, 2005, a dozen of the VCGCB's key partners from a spectrum of state agencies and statewide organizations representing crime victims were invited to serve on the new Victim Compensation Program Advisory Committee. Representatives from the Office of Emergency Services; the Attorney General's Office; the Health and Human Services Agency; the Department of Corrections; the Judiciary; the Commission on Peace Officer Standards and Training; and victim advocacy organizations were invited to join the Committee.

The Committee has been working to identify crime victims' issues and needs with respect to compensation, as well providing feedback for the Program's projects and initiatives. The Committee has also been providing an important avenue for coordination, networking, and new collaborative efforts among agencies, organizations and departments serving victims.

### **PARTNERSHIP CREATED TO FURTHER SUPPORT RESTITUTION FUND**

A partnership with the Franchise Tax Board (FTB) and the California Department of Corrections and Rehabilitation (CDCR) has enhanced the ability of the VCGCB to provide critical assistance to victims of crime in California by means of the Court-Ordered Debt Program. The Victim Compensation Program is self-funded with the majority of support from the Restitution Fund, which is financed through fines and penalties paid by offenders convicted in state and federal courts. Two years ago, the VCGCB approached FTB with a proposal to participate in FTB's Court-Ordered Debt Collection Program. When the VCGCB successfully completed its first year of collaboration in December 2004 with the CDCR and the FTB Court-Ordered Debt Collection Program, more than \$2 million in outstanding restitution fine debt from discharged parolees had been collected.

### **BUILDING A NEW CLAIMS MANAGEMENT SYSTEM**



In Fiscal Year 2004-05, great progress was made on the Compensation and Restitution System (CaRES). CaRES is the Victim Compensation Program's new automated claims management system that will streamline the assistance provided to crime victims. CaRES will roll out the first phase in June 2006. This new system will use document-imaging to reduce paper, and enable staff members in locations across the state to share information in real-time and improve process time and efficiency.

### **MEDICAL AND DENTAL REIMBURSEMENT RATES REVISED**

At their meeting on August 27, 2004, the three-member Board voted unanimously to increase the medical and dental reimbursement rates, effective for all bills with dates of service on or after July 1, 2004. The three-member Board raised the reimbursement rates to expand claimants' access to treatment providers.

## Fiscal Year 2004-05 Accomplishments

### NEW VICTIM COMPENSATION PROGRAM POSTER PUBLISHED

The Victim Compensation Program published a new, bilingual, full-color poster in March 2005. The new poster features the slogan, "Violence Hurts Everyone... We can Help," in English and Spanish. The VCGCB distributed thousands of posters throughout the state to increase public awareness about crime victim compensation. Distribution included Victim Witness Assistance Centers, law enforcement agencies, hospitals and other victim service providers.



### SUCCESSFUL PROGRAM TO HELP SEPTEMBER 11 VICTIMS AND SURVIVORS COMES TO A CLOSE

The federal Office for Victims of Crime (OVC) approved a six-month extension of the VCGCB's September 11 grant allowing the support group meetings for victims and survivors of September 11 to continue through the end of 2004. On December 11, 2004, the California September 11 Support Group held its final meeting at the Ronald Reagan Presidential Library in Simi Valley. Approximately 50 people attended the meeting. The federal grant which funded the support group meetings expired on December 31, 2004.

### CALIFORNIA HONORS CRIME VICTIMS, SURVIVORS, AND ADVOCATES AT APRIL TRIBUTE



Governor Arnold Schwarzenegger

On April 5, Governor Arnold Schwarzenegger addressed nearly 300 crime victims, survivors, law enforcement officers, prosecutors, victim advocates, and victim service providers who gathered at the Ronald Reagan Presidential Library in Simi Valley for "A Tribute to Crime Victims' Rights in California." Fred Aguiar, Secretary of the State and Consumer Services Agency and Chair of the Victim Compensation and Government Claims Board, was also a speaker at the event commemorating the 25<sup>th</sup> anniversary of Victims' Rights Week.

The tribute was held at the Ronald Reagan Presidential Library to commemorate the late President's commitment to crime victim issues. President Reagan inaugurated the first National Crime Victims' Rights Week in 1981. It was his 1982 Task Force on Victims of Crime whose final recommendations shaped the future of victim services in the United States. President Reagan also signed the 1984 Victims of Crime Act into law.



Secretary Aguiar presents award to Harold "Bosco" Boscovich, retired director of the Alameda County Victim Witness Assistance Center.

# About the Victim Compensation Program

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## OVERVIEW OF THE VICTIM COMPENSATION PROGRAM

The Victim Compensation Program can help pay bills and expenses that result from a violent crime that occurs in California. The Program may also help California residents if they become victims in other states or outside the country. The Program may also help a crime victim's spouse or domestic partner, child, parent, sibling, grandparent, grandchild, or someone in the household.

## HOW COMPENSATION HELPS CRIME VICTIMS

The Victim Compensation Program can help victims who have experienced crimes such as domestic violence, child abuse, assault, sexual assault, molestation, homicide, robbery, drunk driving, or vehicular manslaughter. The Program also helps family members of crime victims. Family members include a spouse or domestic partner, child, parent, legal guardian, brother, sister, grandparent, grandchild, or someone else in the household.

The Program assists with the costs of medical and dental treatment, mental health counseling, funeral and burial expenses, home security, crime scene cleanup (when a homicide happens in someone's home), emergency relocation, and insurance co-payments. If a victim is disabled because of a crime, the Program also assists with lost income, support loss for dependents, job retraining, and home or vehicle modifications.

## FUNDING

The Program is made possible through two funding sources. The first is the collection of restitution fines, orders, and penalty assessments levied on persons convicted of crimes and traffic offenses in California. The second is the Office for Victims of Crime in the U.S. Department of Justice. The Office for Victims of Crime provides funding through an annual Victims of Crime Act (VOCA) grant, which is supported by fines paid by offenders convicted in federal court. Every year through VOCA, each state compensation program receives a grant equal to approximately 60 percent of the amount awarded in claims in the preceding year. The Victim Compensation Program is supported by restitution fines and orders, not by California taxpayers.

## ELIGIBILITY

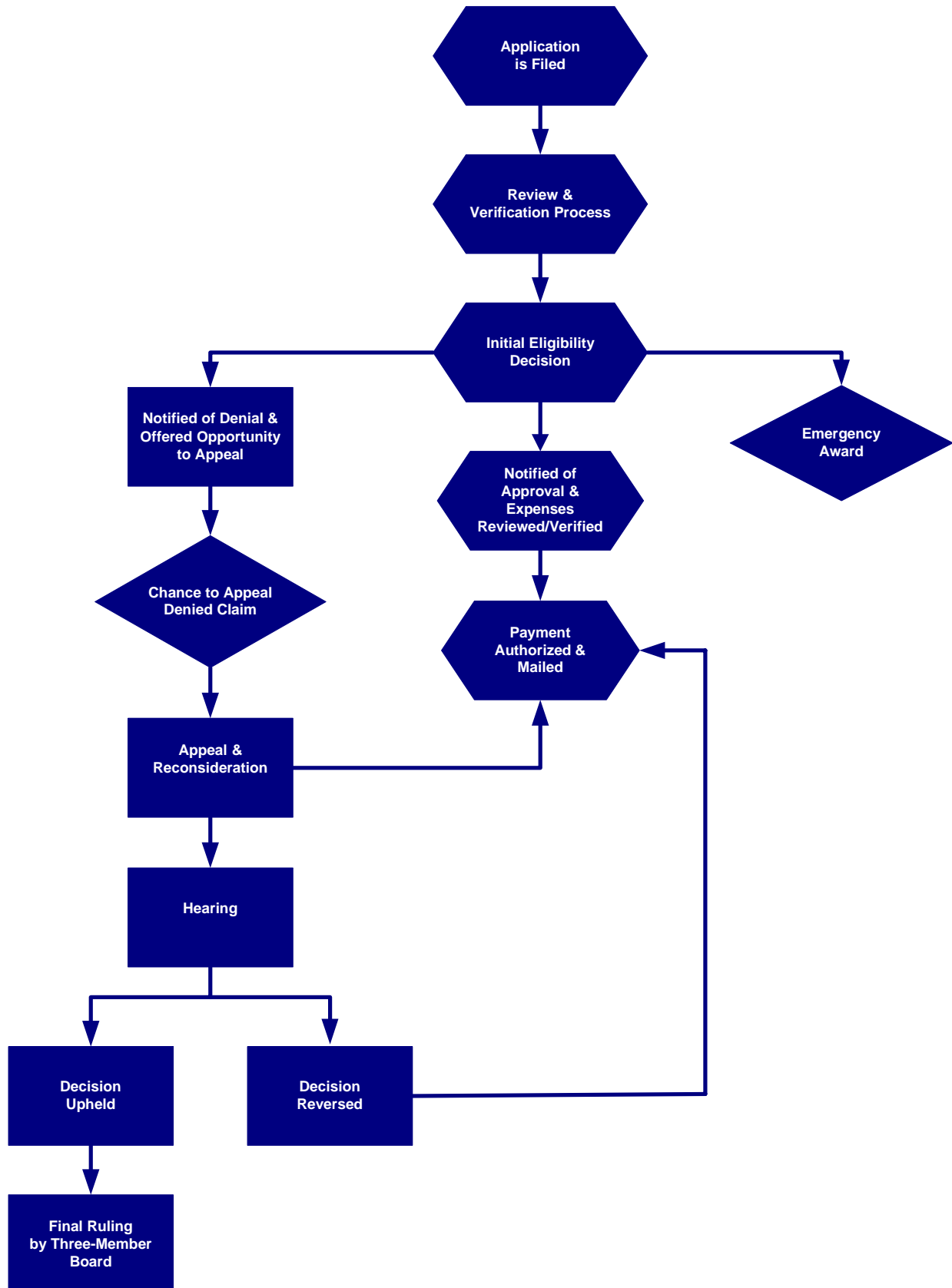
Compensation payments cannot cover any expenses paid by an insurance company or another source; reimburse for lost, damaged or stolen property; or compensate for pain and suffering. In order to receive compensation, a victim must reasonably cooperate with the investigation of the crime and must have sustained physical injury and/or emotional injury and/or a threat of physical injury as a result of the crime. Physical injury is determined by reviewing the crime or incident report, and/or the victim's medical records. The extent of verification necessary depends upon the specific circumstances of the crime.

Anyone involved in committing the crime giving rise to an application is not eligible for the program. A person who is incarcerated, or on felony parole or probation for committing a felony may be eligible for assistance from the program but only after that person has served their term and is released from parole or probation.

## WHERE VICTIMS CAN GET HELP

Compensation begins with the law enforcement officers, medical providers and victim advocates in every county in California who inform crime victims about the Victim Compensation Program. The first contact most victims have with the program comes through a victim advocate working at one of California's 59 Victim Witness Assistance Centers. Many of these centers are in prosecutor's offices, some are in law enforcement agencies, others are based in county probation departments, and two are community-based non-profit organizations.

## How A Claim Is Processed



## About the Victim Compensation Program

Getting compensation payments to crime victims and to providers who help them is a team effort. Compensation specialists at the VCGCB in Sacramento handle applications filed by mail and through the victim assistance centers in 20 California counties.

Compensation specialists also work in 21 Joint Powers Verification Units located in victim witness assistance centers throughout the state. The 21 Joint Powers Verification Units work in tandem with the staff at the VCGCB and are a crucial local resource for victims in the 58 counties throughout California.

### JOINT POWERS VERIFICATION UNITS

Alameda County District Attorney  
Butte County Probation Department  
El Dorado County District Attorney  
Humboldt County District Attorney  
Los Angeles City Attorney; Verification Unit  
Los Angeles County District Attorney  
Orange County  
Placer County District Attorney  
Riverside County District Attorney  
Sacramento County District Attorney  
San Bernardino County District Attorney  
San Diego County District Attorney  
San Francisco County District Attorney  
San Joaquin County District Attorney  
San Luis Obispo County District Attorney  
Santa Barbara County District Attorney  
Santa Clara County  
Santa Cruz County District Attorney  
Shasta County District Attorney  
Sonoma County District Attorney  
Tulare County District Attorney



### GOOD SAMARITAN PROGRAM

In addition to aiding victims of crime, the Victim Compensation Program can also provide compensation through the Good Samaritan Program to a private citizen who is injured rescuing another person, preventing a crime, or assisting a law enforcement officer. Upon recommendation by a law enforcement or public safety agency, the Victim Compensation Program may pay up to \$10,000 for unreimbursed medical bills, property damage, or other costs.

# **About the Revenue Recovery and Accounting Division**

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## **OVERVIEW OF THE REVENUE RECOVERY AND ACCOUNTING DIVISION**

The Revenue Recovery and Accounting Division collects revenue for the Restitution Fund and ensures the Fund's integrity. The Restitution Fund supports the Victim Compensation Program and receives its monies from restitution and penalties paid by offenders convicted of crimes in California and the federal Victim of Crimes Act grants. The Division has three sections: the Restitution Recovery Section, the Liens and Overpayment Recovery Section, and the Accounting Section.

### **RESTITUTION RECOVERY**

The California Victims' Bill of Rights requires that restitution be ordered from convicted persons whenever a crime victim suffers a loss. The Restitution Recovery Section collaborates with district attorneys, the courts, probation offices, victim/witness offices, county collection entities, and other State departments on protecting crime victims' right to restitution.

The Restitution Recovery Section works diligently on efficient and effective processes to obtain restitution on behalf of victims and itself. The key program to increase restitution imposition is the criminal restitution contracts. The VCGCB, in partnership with district attorneys, established the contracts to ensure that restitution is ordered in cases where the Victim Compensation Program has provided benefits to victims. There are contracts in 20 district attorney offices and one city attorney office. A 2004 study found that courts imposed restitution in 77 percent of the cases in counties with criminal restitution contracts versus eight percent of the cases in counties without contracts.

The Restitution Recovery Section serves as the statewide resource on restitution issues and provides outreach, education, and training to assist the criminal justice community in understanding the importance of assessing and collecting restitution fines and orders. For the first time, the VCGCB's training courses on restitution law and responsibilities are certified for credit toward the annual training required for deputy district attorneys and probation officers.

The VCGCB provides funding for restitution positions at the California Department of Corrections and Rehabilitation. This partnership serves all victims in the collection and disbursement of restitution obligations from adult and youthful offenders under California Department of Corrections and Rehabilitation's jurisdiction.

### **LIENS AND OVERPAYMENT RECOVERY SECTION**

The Victim Compensation Program is the *payor of last resort*. Generally, victims must first use civil suit, workers' compensation, and automobile insurance recoveries to cover their crime-related losses. The Liens and Overpayment Recovery Section files and collects liens from these recovery sources if they were not used at the time the Victim Compensation Program paid benefits.

### **THE ACCOUNTING SECTION**

To ensure that funds are available for crime victims and their families, the Accounting Section ensures the integrity of the Restitution Fund and the federal Victim of Crime Act grants through the maintenance of accounting policies and procedures and in accordance with generally accepted accounting principles.



## About the Government Claims Program

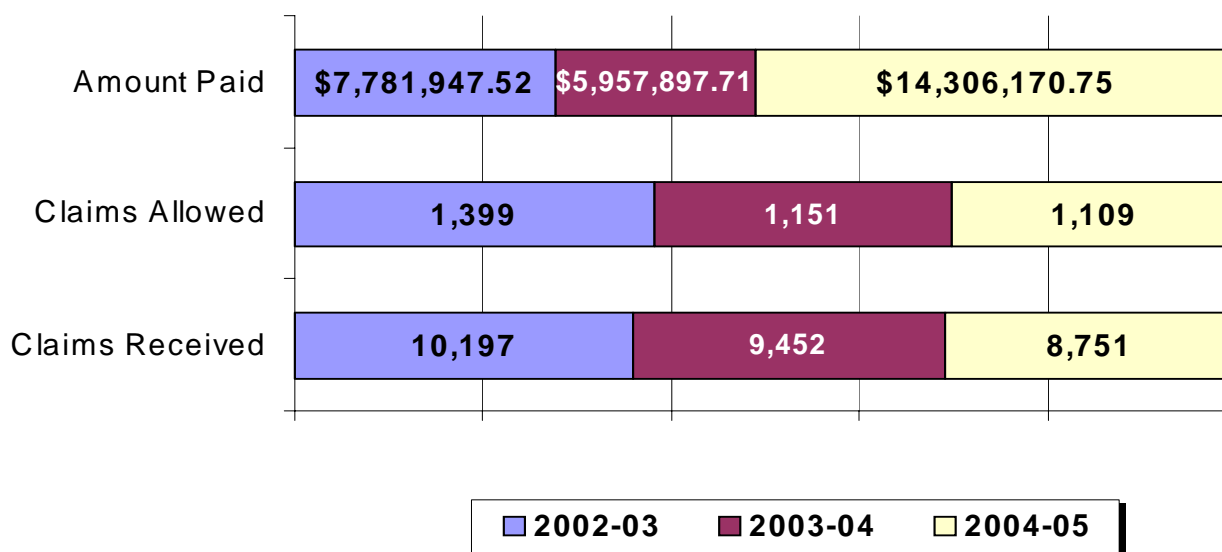
### THE GOVERNMENT CLAIMS PROGRAM

The Government Claims Program processes claims for money or damages against the state. As a general rule, filing a claim with the Victim Compensation and Government Claims Board is a jurisdictional prerequisite to the filing of a lawsuit against the state. If the Board fails to act on a claim within 45 days, the claimant may, at its discretion, deem the claim denied and may proceed to court. However, so long as the claimant does not file an action in court, the Board is not divested of jurisdiction even though the 45 days may have elapsed.

Prior to August 2004, the administrative budget for the Government Claims Program was appropriated from the General Fund. Legislation in 2004 moved the program from the General Fund to a self-funded program. Legislation required the payment of a \$25.00 filing fee by claimants and provided a surcharge of up to 15% of an approved claim to be paid by the agency against which the claim was filed. Claimants unable to pay the filing fee may be exempt from the filing fee requirements.

Upon receipt of claims, program staff review them for sufficiency, jurisdiction and timeliness. In many instances, program staff will contact the agency against which the claim is directed for a recommendation and for additional information. After receiving a recommendation, or after the time for providing a recommendation has elapsed, staff prepares a recommendation to the three-member Victim Compensation and Government Claims Board. If a claim is approved by the three-member Board, it will provide for payment in one of two ways. The Board may direct that payment be made directly by the agency or, if there is no existing appropriation out of which the claim may be paid, the Board may direct that payment be made through a legislative appropriation in an annual omnibus claims bill.

GOVERNMENT CLAIMS PROGRAM CLAIM SUMMARY



The amount paid in 2004-05 includes one annual claims bill that carried over from Fiscal Year 2003-04.



## About the Government Claims Program

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### ADDITIONAL PROGRAMS

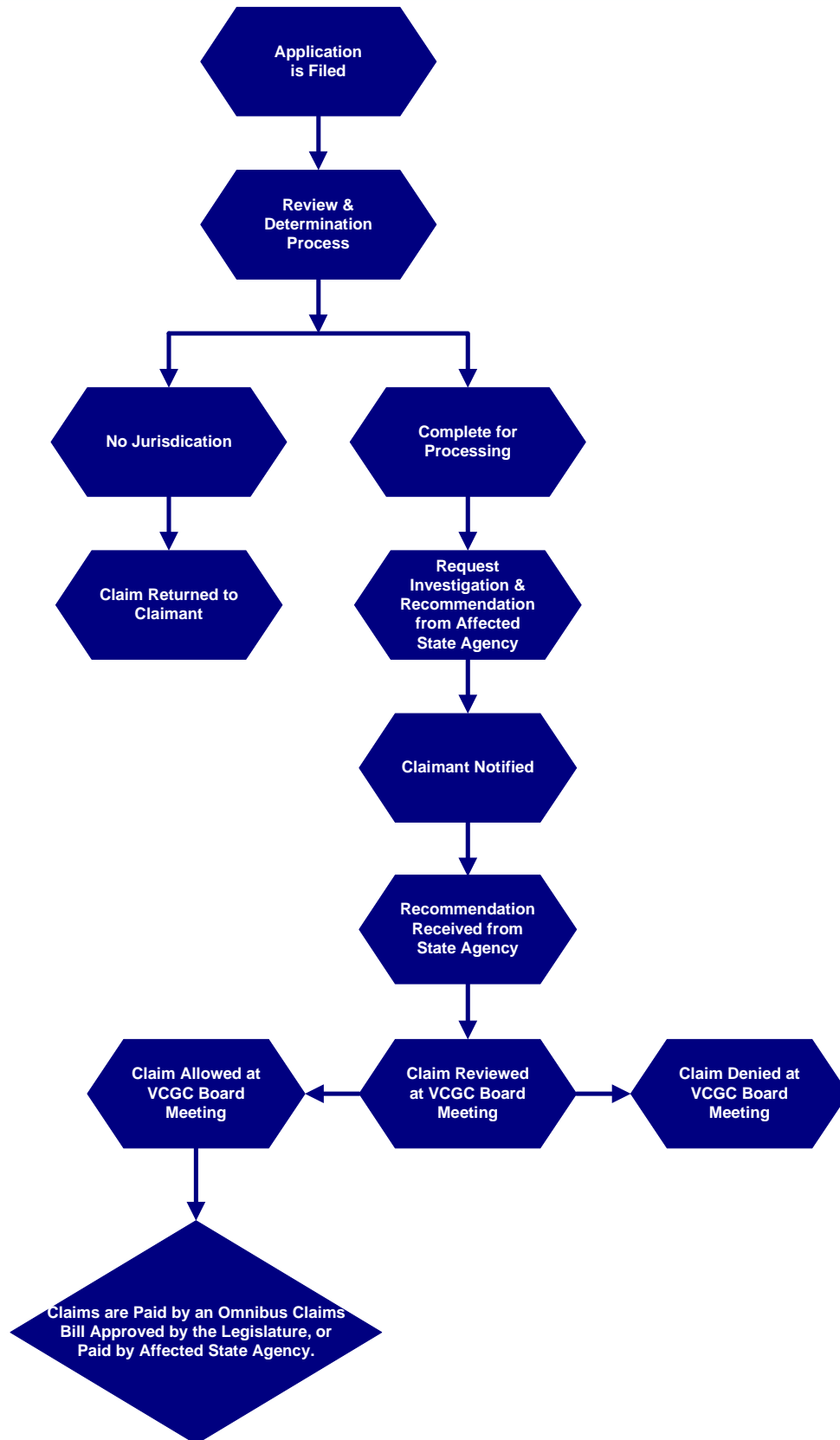
**Erroneously Convicted Felons:** Pursuant to Penal Code section 4900 et seq., a person erroneously convicted of a felony against the State of California and incarcerated in a California state prison may file a claim with the Victim Compensation and Government Claims Board for pecuniary injury. A claimant must file within six months from the date he or she was acquitted, pardoned, or released from imprisonment and at least four months prior to the next meeting of the California Legislature. A hearing is held at which the claimant must introduce evidence proving by a preponderance of the evidence that:

- 1 No crime was committed or that the claimant did not commit the crime;
- 2 The claimant did not contribute to his or her arrest or conviction; and
- 3 The claimant sustained pecuniary injury as a result of the conviction and imprisonment.

The Attorney General may submit a recommendation, either in support of or in opposition to the claim. After the hearing, the hearing officer prepares a proposed decision for consideration by the three-member Board. If the claim is granted, the Board will make a recommendation for a legislative appropriation in the amount of \$100 for each day of incarceration served after conviction.

**California State Employees Charitable Campaign:** The California State Employees Charitable Campaign (CSECC) is the only statutorily authorized workplace campaign for employees of the State of California and was established in 1957 to provide a single charitable fund raising drive in state service. The Victim Compensation and Government Claims Board is responsible for certifying participating non-profit organizations for participation in the campaign. Although the CSECC is referred to as if it were a single entity, there is no single "state" campaign. Rather, there are approximately 36 local campaigns under the general oversight of the department. Applying statutory and regulatory criteria, the department selects a Principal Combined Fund Drive (PCFD) agency to manage each local campaign. Each PCFD agency produces its own separate CSECC brochure, publicity material, and campaign plan.

## How A Government Claim Is Processed



# About the Victim Compensation and Government Claims Board

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## **ADDITIONAL DUTIES**

While the activities of the VCGCB are largely devoted to the Victim Compensation and Government Claims Programs, the VCGCB is also tasked with fulfilling other responsibilities. Two of these key activities are detailed below.

### Bid Protests

The VCGCB has been responsible for resolving bid protests since 1955. When the state is purchasing goods, telecommunications, or electronic data processing through a competitive process, bidders who are not selected may dispute the process by filing a bid protest. The contract cannot be awarded until the protest is resolved or withdrawn.

### Travel Reimbursement and Per Diem Rates

The VCGCB sets travel reimbursement rates for elected officials and the judiciary. The VCGCB is also required to establish the living expense reimbursement rate for members of the State Legislature. The established rate cannot be less than the rate set by the U.S. General Services Administration (GSA) for federal employees traveling to Sacramento. However, if the rate is higher than the federal rate, members of the State Legislature must pay taxes on the difference. As of October 1, 2004, the GSA reduced their federal rate from \$140 to \$138. As a result, the three-member Board unanimously adopted the \$138 per diem rate for members of the State Legislature at its September 24, 2004 meeting.

# Victim Compensation and Government Claims Board

## Financial Summary

|                      |  |                      |
|----------------------|--|----------------------|
|                      | <b>Beginning Restitution Fund Reserves</b>               | <b>\$44,459,000</b>  |
|                      | Prior Year Adjustments                                   | 4,162,000            |
|                      | <b>Beginning Restitution Fund Balance</b>                | <b>\$48,621,000</b>  |
|                      | <b>Receipts</b>  |                      |
|                      | Federal VOCA Grant <sup>1</sup>                          | \$25,405,000         |
|                      | Restitution Fines and Fees <sup>2</sup>                  | 59,138,000           |
|                      | Fines/Crimes of Public Offense                           | 4,397,000            |
|                      | Miscellaneous Revenue & Adjustments                      | 191,000              |
|                      | Penalty Assessments                                      | 47,731,000           |
|                      | Civil or Criminal Violations                             | 1,699,000            |
| <i>Fiscal</i>        | <b>Subtotal Fiscal Year 2004-05 Receipts</b>             | <b>\$113,156,000</b> |
| <i>Activity</i>      | <b>Total Reserves &amp; Fiscal Year 2004-05 Receipts</b> | <b>\$187,182,000</b> |
| <i>Summary</i>       | <b>Disbursements</b>                                     |                      |
|                      | Total Claims Paid  | \$58,894,000         |
|                      | Adjustments <sup>3</sup>                                 | 2,702,000            |
| <i>for the</i>       | <b>Adjusted Claims Payments</b>                          | <b>\$61,596,000</b>  |
| <i>Fiscal Year</i>   | <b>Program Costs:</b>                                    |                      |
|                      | Salaries & Benefits                                      | 20,202,000           |
|                      | Internal Contracts:                                      |                      |
|                      | Interagency Agreements & Other Contracts <sup>4</sup>    | 2,235,000            |
| <i>Ending</i>        | External Contracts:                                      |                      |
|                      | Joint Powers Contracts                                   | 9,982,000            |
|                      | Criminal Restitution Compacts                            | 2,074,000            |
| <i>June 30, 2005</i> | All Other External Contracts                             | 1,175,000            |
|                      | Facilities Operations                                    | 2,831,000            |
|                      | Data Center & Processing                                 | 1,800,000            |
|                      | General Expenses & Central Administrative Services       | 944,000              |
|                      | Printing & Postage                                       | 295,000              |
|                      | Communications   | 237,000              |
|                      | Travel & Training  | 191,000              |
|                      | <b>Total Program Costs</b>                               | <b>\$41,966,000</b>  |
|                      | <b>Special Appropriations:</b>                           |                      |
|                      | County Rebates   | 3,957,000            |
|                      | Good Samaritans  | 20,000               |
|                      | <b>Total Special Appropriations</b>                      | <b>\$3,977,000</b>   |
|                      | <b>Total Disbursements</b>                               | <b>\$107,539,000</b> |
|                      | Expenditure Adjustments                                  | 2,223,000            |
|                      | <b>Ending Restitution Fund Balance</b>                   | <b>\$77,420,000</b>  |

<sup>1</sup> The Board draws down Federal VOCA grants over a three-year period. The annual financial summary shows only the portion drawn down and spent this fiscal year.

<sup>2</sup> Each county collects a portion of the fines, assessments, fees and orders listed above. The total amount collected by the counties \$39,111,369, is detailed on page 23.

<sup>3</sup> Adjustments represent returned checks and payments. Some returned checks are subsequently reissued. The amount used to calculate payments on pages 8 and 20 (\$58,893,735) excludes the reissued payments incorporated in this figure. This year's adjustment also includes a one-time only restitution revenue adjustment from Fiscal Year 2003-04.

<sup>4</sup> Funding in the amount of \$1,300,000 for the UCSF Trauma Recovery Center is included in this category.

# Victim Compensation Program Activity Summary

## VICTIM COMPENSATION PROGRAM

**47,658** new applications were received in Fiscal Year 2004-05.

**40,342** applications were approved for compensation.

**5,475** applications were determined to be ineligible for compensation.

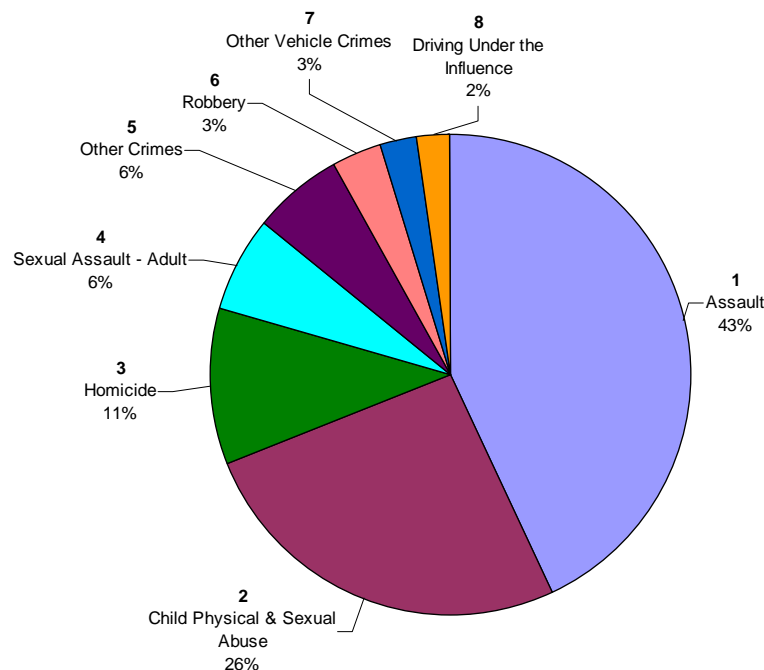
**88** percent of applications were determined to be eligible for compensation.

**\$58,893,735** was paid on behalf of victims for losses on both new and existing applications.

**74** days was the average processing time per application.

## APPLICATIONS BY TYPE OF CRIME

| Type of Crime                    | Number of Victim Applications Received | Percentage of Total Victim Applications Received |
|----------------------------------|--|--|
| 1. Assault                       | 20,571                                 | 43.0%  |
| 2. Child Physical & Sexual Abuse | 12,202                                 | 26.0%  |
| 3. Homicide                      | 5,142                                  | 11.0%  |
| 4. Sexual Assault - Adult        | 2,987                                  | 6.0%   |
| 5. Other Crimes <sup>1</sup>     | 2,980                                  | 6.0%   |
| 6. Robbery                       | 1,552                                  | 3.0%   |
| 7. Other Vehicle Crimes          | 1,198                                  | 3.0%   |
| 8. Driving Under the Influence   | 1,026                                  | 2.0%   |
| <b>Total:</b>                    | <b>47,658</b>                          | <b>100.0%</b>                                    |

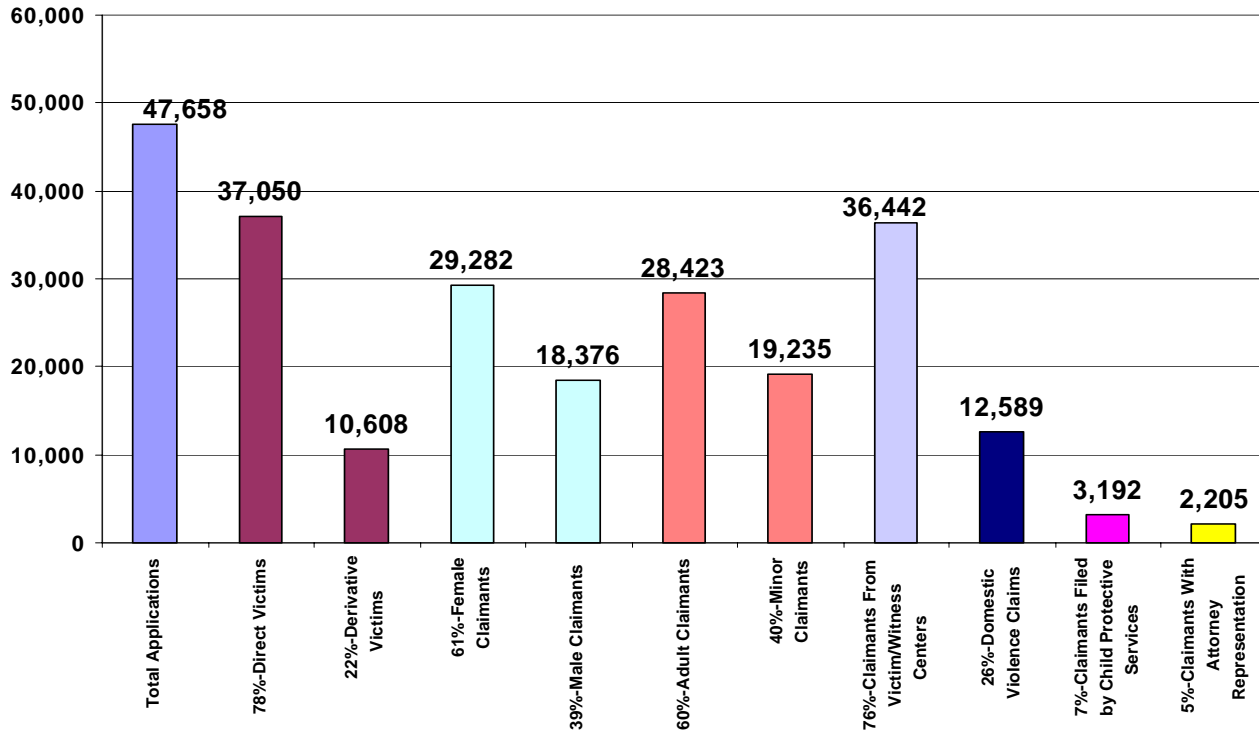


<sup>1</sup> "Other" includes crimes not listed above.

# Victim Compensation Program Activity Summary

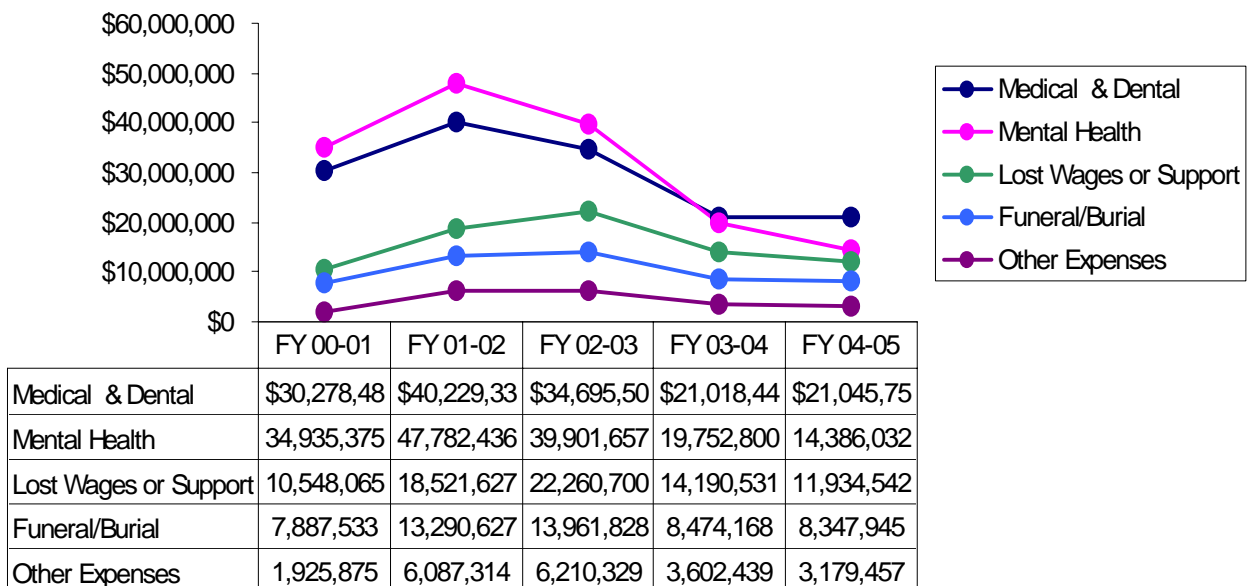
## APPLICATIONS RECEIVED BY CLAIMANT TYPE

The graph below is a summary of the number of claims received for Fiscal Year 2004-05 categorized by claimant information and representative data.



## AWARDS BY TYPE OF EXPENSE

The information below summarizes the amount paid for all compensation claims over the last five fiscal years categorized by type of expense.



# Victim Compensation Program Activity Summary

## AWARDS, APPLICATIONS AND REVENUE BY COUNTY

|                 | FY 00-01<br>Awards  | FY 01-02<br>Awards   | FY 02-03<br>Awards   | FY 03-04<br>Awards  | Awards              | FY 04-05<br>Restitution<br>Revenue | Applications<br>Received |
|-----------------|---------------------|----------------------|----------------------|---------------------|---------------------|------------------------------------|--------------------------|
| Alameda         | \$3,899,314         | \$6,064,503          | \$6,763,289          | \$3,171,985         | \$2,962,101         | \$1,298,569                        | 2,553                    |
| Alpine          | 8,253               | 3,892                | 10,272               | 0                   | 0                   | 17,685                             | 4                        |
| Amador          | 28,905              | 105,195              | 74,460               | 35,213              | 43,199              | 135,221                            | 54                       |
| Butte           | 577,602             | 787,386              | 725,804              | 416,811             | 464,701             | 348,740                            | 416                      |
| Calaveras       | 74,785              | 60,353               | 114,300              | 79,101              | 82,917              | 76,886                             | 70                       |
| Colusa          | 96,620              | 18,710               | 24,425               | 25,898              | 23,457              | 22,470                             | 31                       |
| Contra Costa    | 3,361,257           | 4,076,678            | 3,251,430            | 1,993,430           | 1,923,928           | 606,998                            | 1,069                    |
| Del Norte       | 62,627              | 140,809              | 161,941              | 69,684              | 62,063              | 44,908                             | 162                      |
| El Dorado       | 363,129             | 543,827              | 548,155              | 346,443             | 196,466             | 247,588                            | 273                      |
| Fresno          | 922,398             | 1,410,992            | 1,343,517            | 1,059,784           | 1,049,435           | 829,210                            | 999                      |
| Glenn           | 149,555             | 209,247              | 78,188               | 38,359              | 47,687              | 55,504                             | 114                      |
| Humboldt        | 427,201             | 625,475              | 671,723              | 342,157             | 246,930             | 230,048                            | 257                      |
| Imperial        | 102,478             | 105,880              | 111,983              | 78,695              | 63,888              | 153,457                            | 92                       |
| Inyo            | 72,774              | 117,960              | 110,010              | 63,677              | 54,677              | 70,240                             | 70                       |
| Kern            | 1,013,938           | 2,002,057            | 1,410,319            | 857,597             | 1,419,731           | 989,194                            | 855                      |
| Kings           | 217,215             | 144,546              | 180,654              | 45,528              | 100,411             | 210,796                            | 443                      |
| Lake            | 422,223             | 441,378              | 544,338              | 181,813             | 93,614              | 144,627                            | 233                      |
| Lassen          | 64,346              | 46,764               | 108,790              | 48,610              | 22,731              | 60,438                             | 63                       |
| Los Angeles     | 30,181,567          | 39,102,894           | 39,709,393           | 23,012,954          | 19,249,612          | 9,433,478                          | 9,917                    |
| Madera          | 126,015             | 161,642              | 156,277              | 136,711             | 148,556             | 219,694                            | 217                      |
| Marin           | 467,716             | 607,415              | 669,675              | 215,788             | 209,003             | 254,589                            | 189                      |
| Mariposa        | 51,768              | 45,915               | 50,279               | 22,330              | 9,656               | 42,408                             | 33                       |
| Mendocino       | 261,251             | 377,543              | 399,391              | 187,069             | 109,032             | 187,163                            | 171                      |
| Merced          | 467,167             | 692,717              | 535,967              | 540,766             | 643,065             | 186,773                            | 541                      |
| Modoc           | 4,081               | 11,887               | 22,575               | 6,349               | 7,115               | 14,366                             | 13                       |
| Mono            | 40,907              | 42,149               | 44,779               | 21,536              | 10,928              | 43,419                             | 17                       |
| Monterey        | 1,139,465           | 1,675,213            | 1,183,318            | 660,535             | 603,438             | 729,212                            | 569                      |
| Napa            | 328,940             | 555,220              | 398,332              | 211,601             | 110,659             | 206,421                            | 185                      |
| Nevada          | 161,185             | 248,438              | 243,932              | 136,652             | 117,095             | 127,889                            | 118                      |
| Orange          | 3,542,252           | 5,607,765            | 5,037,521            | 3,000,185           | 2,145,123           | 3,678,235                          | 1,860                    |
| Placer          | 586,158             | 955,088              | 833,183              | 469,362             | 379,018             | 315,335                            | 433                      |
| Plumas          | 24,468              | 28,807               | 19,753               | 46,527              | 1,890               | 41,018                             | 18                       |
| Riverside       | 2,768,070           | 4,572,715            | 4,443,627            | 2,640,173           | 2,676,820           | 1,624,916                          | 1,998                    |
| Sacramento      | 2,744,317           | 4,207,129            | 4,594,559            | 2,545,630           | 2,187,938           | 1,197,398                          | 2,073                    |
| San Benito      | 110,857             | 128,080              | 116,196              | 73,534              | 45,432              | 114,549                            | 75                       |
| San Bernardino  | 3,108,449           | 5,637,556            | 5,108,694            | 3,409,507           | 3,650,801           | 1,887,568                          | 2,438                    |
| San Diego       | 6,557,421           | 10,341,920           | 8,665,375            | 5,332,621           | 3,910,274           | 2,874,013                          | 3,604                    |
| San Francisco   | 2,954,474           | 4,407,567            | 3,961,470            | 2,401,764           | 2,404,941           | 111,977                            | 1,730                    |
| San Joaquin     | 1,362,087           | 1,752,684            | 1,788,831            | 1,382,103           | 1,388,179           | 831,151                            | 1,879                    |
| San Luis Obispo | 749,182             | 783,617              | 703,235              | 328,498             | 396,878             | 457,683                            | 320                      |
| San Mateo       | 1,479,930           | 2,413,617            | 1,538,769            | 989,792             | 761,488             | 711,554                            | 800                      |
| Santa Barbara   | 689,942             | 1,300,209            | 1,105,809            | 525,182             | 491,084             | 955,554                            | 681                      |
| Santa Clara     | 4,346,863           | 5,766,171            | 5,139,063            | 2,645,845           | 2,519,914           | 2,287,676                          | 3,196                    |
| Santa Cruz      | 919,147             | 1,580,655            | 1,157,103            | 627,821             | 414,343             | 364,463                            | 436                      |
| Shasta          | 1,373,294           | 2,051,284            | 1,734,376            | 988,633             | 1,110,296           | 331,482                            | 1,215                    |
| Sierra          | 7,562               | 19,561               | 25,555               | 12,908              | 16,077              | 100,078                            | 5                        |
| Siskiyou        | 135,568             | 258,397              | 311,382              | 91,870              | 57,151              | 63,467                             | 152                      |
| Solano          | 966,472             | 1,384,523            | 1,409,034            | 590,560             | 377,054             | 437,596                            | 672                      |
| Sonoma          | 1,322,457           | 1,828,048            | 1,380,917            | 515,526             | 447,667             | 789,342                            | 646                      |
| Stanislaus      | 863,753             | 1,304,573            | 1,229,492            | 601,856             | 516,263             | 577,373                            | 668                      |
| Sutter          | 206,151             | 351,721              | 279,039              | 195,345             | 121,247             | 117,788                            | 148                      |
| Tehama          | 266,897             | 432,157              | 332,647              | 160,792             | 107,564             | 97,973                             | 142                      |
| Trinity         | 66,531              | 58,469               | 61,204               | 30,579              | 33,043              | 19,467                             | 42                       |
| Tulare          | 842,253             | 837,934              | 730,573              | 368,629             | 469,914             | 701,949                            | 614                      |
| Tuolumne        | 192,570             | 185,511              | 126,982              | 97,337              | 140,216             | 176,212                            | 182                      |
| Ventura         | 1,166,219           | 2,153,899            | 2,118,426            | 1,443,367           | 1,157,743           | 952,376                            | 1,010                    |
| Yolo            | 533,042             | 637,360              | 601,942              | 212,861             | 153,341             | 203,988                            | 228                      |
| Yuba            | 177,951             | 215,369              | 253,653              | 170,236             | 139,555             | 101,199                            | 427                      |
| Non-CA, Other   | 416,315             | 2,322,933            | 2,574,091            | 1,132,268           | 419,385             |                                    | 187                      |
| <b>TOTAL*</b>   | <b>\$85,575,333</b> | <b>\$123,952,002</b> | <b>\$117,030,014</b> | <b>\$67,038,387</b> | <b>\$58,716,734</b> | <b>\$ 39,111,369</b>               | <b>47,607</b>            |

\*Slight differences in totals due to cents not shown above.



## Victim Compensation Program Activity Summary

### COMPENSATION AWARDED BY JOINT POWERS VERIFICATION UNITS

The VCGCB contracts with 21 counties to operate 22 Joint Powers verification units in local Victim Witness Assistance Centers. Staff in verification centers review applications and process compensation payments. Listed below is the total compensation awarded for each of the verification centers over the past five fiscal years.

|                                 | <b>FY 00-01</b>     | <b>FY 01-02</b>     | <b>FY 02-03</b>     | <b>FY 03-04</b>     | <b>FY 04-05</b>     |
|---------------------------------|---------------------|---------------------|---------------------|---------------------|---------------------|
| Alameda County                  | \$2,504,028         | \$4,562,710         | \$5,245,209         | \$2,507,696         | \$2,732,200         |
| Butte County                    | 984,909             | 1,172,238           | 794,428             | 503,605             | 544,953             |
| Contra Costa County             | 1,465,872           | 2,168,721           | 1,817,131           | 604,180             | 115,356             |
| El Dorado County                | 449,635             | 572,877             | 595,692             | 352,601             | 247,482             |
| Humboldt County                 | 425,899             | 602,268             | 634,851             | 323,228             | 247,176             |
| Los Angeles City                | 3,574,877           | 7,468,933           | 9,022,941           | 4,719,667           | 4,905,403           |
| Los Angeles County              | 11,904,296          | 15,918,535          | 15,540,217          | 9,645,047           | 8,367,961           |
| Orange County                   | 3,217,267           | 4,367,662           | 3,454,496           | 2,108,188           | 1,604,362           |
| Placer County                   | 645,781             | 1,252,815           | 1,223,650           | 568,644             | 671,499             |
| Riverside County                | 3,139,932           | 4,119,697           | 4,097,414           | 2,646,679           | 2,648,526           |
| Sacramento County               | 1,565,692           | 2,235,945           | 3,175,596           | 2,064,930           | 1,752,154           |
| San Bernardino County           | 2,410,244           | 4,145,631           | 4,321,388           | 2,705,287           | 3,157,448           |
| San Diego County                | 1,516,910           | 2,647,233           | 2,914,289           | 1,856,640           | 1,684,413           |
| San Francisco County            | 2,313,704           | 2,931,290           | 2,865,648           | 1,771,081           | 1,820,323           |
| San Joaquin County              | 2,481,952           | 3,949,998           | 4,065,513           | 2,912,302           | 3,109,861           |
| San Luis Obispo County          | 625,449             | 765,569             | 663,907             | 323,824             | 414,660             |
| Santa Barbara County            | 669,254             | 1,303,430           | 1,042,951           | 500,283             | 489,653             |
| Santa Clara County              | 3,791,452           | 5,952,605           | 5,288,081           | 2,873,286           | 2,254,743           |
| Santa Cruz County               | 891,429             | 1,547,283           | 1,137,438           | 557,902             | 654,823             |
| Shasta County                   | 1,702,983           | 2,717,313           | 2,193,185           | 1,346,452           | 1,404,133           |
| Sonoma County                   | 1,026,550           | 1,603,636           | 1,228,311           | 468,516             | 382,364             |
| Tulare County                   | 804,752             | 726,271             | 657,117             | 355,351             | 427,615             |
| <b>Verification Unit Totals</b> | <b>\$48,112,867</b> | <b>\$72,732,660</b> | <b>\$71,979,453</b> | <b>\$41,715,389</b> | <b>\$39,637,108</b> |



# Helping California Crime Victims Since 1965

2004 - 2005

Annual Report